

REMARKS

The claims are 22-37 with claims 22 and 30 being independent. Claims 1-21 have been cancelled without prejudice or disclaimer. Support for claims 22-37 may be found throughout the specification, for example, support for claims 22-25 and 30-33 may be found at page 2, lines 17-33, page 3, line 10, page 4, lines 10-22 and page 4, line 28 to page 5, line 8. Support for claims 26-29 and 34-37 may be found at page 2, lines 8-14 and in original claims 1-3. No new matter has been added.

The Examiner objected to the specification as allegedly failing to provide a descriptive title for the invention. Applicants have amended the specification to include a title that is more indicative of the invention to which the claims are directed – “Sustained Release Pharmaceutical Compositions and Methods of Treatment Using the Same.”

Claims 1-6, 8-14 and 16-21 were rejected under 35 U.S.C. 102(b) as allegedly anticipated and claim 21 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable. Applicants respectfully traverse these rejections, however, cancellation of claims 1-21 renders the Examiner’s rejections of these claims moot.

Applicants have presented new claims that define a sustained release pharmaceutical composition of this invention as providing a plasma concentration of the specific insulin sensitizer, 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, of at least 50 ng/mL over a period of 12 or 16 hours. Applicants respectfully submit that the presently claimed sustained release pharmaceutical composition is novel and patentable.

If the Examiner has any objections or concerns, the Examiner is respectfully requested to contact Applicants' undersigned attorney to resolve such issues and advance the case to issue.

This Amendment is being filed together with Petition for Extension of Time and an Information Disclosure Statement. In the event that these papers get separated or there is any deficiency in the Petition, this constitutes a Petition for Extension of Time for the minimum period required to effect timely filing of this Amendment, together with an authorization to charge any fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper to Deposit Account No. 19-2570.

Respectfully submitted,



Kathryn L. Sieburth
Attorney for Applicants
Registration No. 40,072

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA. 19406-0939
Phone (610) 270-5012
Facsimile (610) 270-5090
N:\kls\cases\p32185c1\P32185C1 Response 6-30-05 OA.doc